

AMENDED IN ASSEMBLY JUNE 15, 1999

SENATE BILL

No. 1223

Introduced by Senator Burton

February 26, 1999

An act to amend Section ~~85300~~ 84305.5 of the Government Code, ~~relating to campaign finance.~~ *relating to the Political Reform Act of 1974.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1223, as amended, Burton. ~~Campaign finance: public funds.~~ *Slate mailers.*

Existing provisions of the Political Reform Act of 1974 provide that no slate mailer, as defined, shall be mailed unless, among other things, it identifies the slate mailer organization or ballot measure committee that is making the mailing in specified places on the mailer, it states that the mailer was not prepared by an official political party organization, it identifies the candidates who paid to appear in the mailer, it identifies the ballot measure committees who paid to have a ballot measure supported or opposed in the mailer and any person who made contributions to the ballot measure committee of \$50,000 or more during a specified period before the mailing, and it identifies the political party of candidates appearing in the mailer who are not from the same political party that the mailer appears to represent.

This bill would add the requirement that a slate mailer state, as to any recommendation in the slate mailer to support or oppose a ballot measure or to support a candidate that is different from the official recommendation to support or

oppose by the political party that the mailer appears to represent, that the recommendation is not the official position of the political party that the mailer appears to represent. This bill would require that this information appear in the mailer in a specified location and in a specified type size.

Existing law makes a violation of the act subject to administrative, civil, and criminal penalties.

This bill would impose a state-mandated local program by imposing these penalties on certain persons who violate the provisions of the bill.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the act may be amended by a statute that becomes effective upon approval of the voters.

This bill would require its provisions to be submitted to the voters for approval in accordance with applicable provisions of law.

~~The existing Political Reform Act of 1974 prohibits public officers from expending and candidates from accepting any public moneys for the purpose of seeking elective office.~~

~~This bill would make technical nonsubstantive changes to existing law.~~

Vote: majority. Appropriation: ~~no~~ yes. Fiscal committee: ~~no~~ yes. State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 85300 of the Government Code~~
2 ~~is amended to read:~~

3 ~~85300. No public officer may expend and no~~
4 ~~candidate may accept any public moneys for the purpose~~
5 ~~of seeking elective office.~~

6 ~~SECTION 1. Section 84305.5 of the Government~~
7 ~~Code is amended to read:~~

84305.5. (a) No slate mailer organization or committee *formed* primarily ~~formed~~ to support or oppose one or more *candidates or* ballot measures ~~shall~~ may send a slate mailer unless:

(1) The name, street address, and city of the slate mailer organization or committee *formed* primarily ~~formed~~ to support or oppose one or more *candidates or* ballot measures are shown on the outside of each piece of slate mail and on ~~every~~ *each* insert included with each piece of slate mail in no less than 8-point roman type, which shall be in a color or print ~~which~~ *that* contrasts with the background so as to be easily legible. A post office box may be stated in lieu of a street address if the street address of the slate mailer organization or the committee *formed* primarily ~~formed~~ to support or oppose one or more *candidates or* ballot ~~measure~~ *measures* is a matter of public record with the ~~Secretary of State's~~ Political Reform Division *of the office of the Secretary of State*.

(2) At the top of each side or surface of ~~a~~ *the* slate mailer or at the top of each side or surface of a postcard or other self-mailer, there is a notice in at least 8-point roman boldface type, which shall be in a color or print ~~which~~ *that* contrasts with the background so as to be easily legible, and in a printed or drawn box ~~and~~ set apart from any other printed matter. The notice shall consist of the following statement:

NOTICE TO VOTERS

THIS DOCUMENT WAS PREPARED BY (name of slate mailer organization or committee primarily formed to support or oppose one or more *candidates or* ballot measures), NOT AN OFFICIAL POLITICAL PARTY ORGANIZATION. All candidates and ballot measures designated by \$\$\$ have paid for their listing in this mailer. A listing in this mailer does not necessarily imply endorsement of other candidates or measures listed in this mailer.

1 (3) Any reference to a *candidate* or ballot measure
2 that has paid to be included on the slate mailer shall also
3 comply with the provisions of Section 84503 et seq.

4 (4) Each candidate and each ballot measure that has
5 paid to appear in the slate mailer is designated by \$\$\$\$. Any
6 candidate or ballot measure that has not paid to appear
7 in the slate mailer is not designated by \$\$\$\$. The \$\$\$
8 required by this subdivision shall be of the same type size,
9 type style, color or contrast, and legibility ~~as is~~ used for the
10 name of the candidate or the ballot measure name or
11 number and position advocated to which the \$\$\$
12 designation applies, except that in no case shall the \$\$\$ be
13 required to be larger than 10-point boldface type. The
14 designation shall immediately follow the name of the
15 candidate, or the name or number and position
16 advocated on the ballot measure where the designation
17 appears in ~~the~~ a slate of candidates and measures. If there
18 is no slate listing, the designation shall appear at least
19 once, in at least 8-point boldface type, immediately
20 following the name of the candidate, or the name or
21 number and position advocated on the ballot measure.

22 (5) The name of any candidate appearing in the slate
23 mailer who is a ~~member~~ *nominee* of a political party
24 differing from the political party which the mailer
25 appears by representation or indicia to represent is
26 accompanied, immediately below the name, by the party
27 designation of the candidate, in no less than 9-point
28 roman type, which shall be in a color or print that
29 contrasts with the background so as to be easily legible.
30 The designation shall not be required in the case of
31 candidates for nonpartisan ~~office~~ *offices*.

32 (6) *Any recommendation in the slate mailer to*
33 *support or oppose a ballot measure or to support a*
34 *candidate that is different from the official*
35 *recommendation to support or oppose by the political*
36 *party which the mailer appears by representation or*
37 *indicia to represent is accompanied, immediately below*
38 *the ballot measure or candidate recommendation in the*
39 *slate mailer, in no less than 9-point roman boldface type,*
40 *which shall be in a color or print that contrasts with the*

1 *background so as to be easily legible, the following notice:*
2 *THIS IS NOT THE OFFICIAL POSITION OF THE*
3 *(political party which the slate mailer appears by*
4 *representation or indicia to represent) PARTY.*

5 (b) For purposes of the designations required by
6 paragraph (4) of subdivision (a), the payment of any sum
7 made reportable by subdivision (c) of Section 84219 by or
8 at the behest of a candidate or committee; whose name
9 or position appears in the mailer; to the slate mailer
10 organization or committee primarily formed to support
11 or oppose one or more *candidates or* ballot measures; shall
12 constitute a payment to appear, requiring the \$\$\$
13 designation. The payment shall also be deemed to
14 constitute authorization to appear in the mailer.

15 (c) A slate mailer that complies with this section shall
16 be deemed to satisfy the requirements of Sections 20003
17 and 20004 of the Elections Code.

18 *SEC. 2. This act shall be submitted to the voters for*
19 *approval in accordance with subdivision (b) of Section*
20 *81012 of the Government Code and the applicable*
21 *provisions of the Elections Code.*

